

ASPECTS OF DISCRIMINATION FROM THE PERSPECTIVE OF THE MIGRATION PHENOMENON

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Abstract

Migration has existed since the beginning of mankind. The phenomenon did not cease over time, but it has seen changes and new forms with the evolution of society. Migration processes take place simultaneously and are increasing in many countries of the world.

The main causes of unprecedented population movements are armed conflicts, famine, natural disasters, human rights violations and deplorable economic conditions in some states.

Collective attempts to regulate refugee-specific issues and migration have so far been quite limited. The European Union has taken a step forward in this direction. The European Union now considers that an integrated and comprehensive approach is desirable in order to better manage the phenomenon of migration.

The implications of contemporary regional and global migration have consequences on the social, economic, cultural, political and religious environment of the states. Migration has transformed and redefined the political and economic interests of states, but has accentuated and expanded the phenomenon of discrimination, violating the principle of equality.

Accepting multiculturalism of different religions as well as social diversity is the key to combating discrimination and respecting the right of every person to equal opportunities.

Equal opportunities are based on ensuring the full participation of each person in economic and social life, regardless of ethnic origin, sex, religion, age, disability or sexual orientation.

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1. Introduction

Ever since 2015, Europe has been under a genuine siege of hundreds of thousands of Asian and African migrants forced to leave their countries of origin because of war, terror, dictatorship, poverty and hunger.

The phenomenon has had and still has considerable dimensions after the huge waves of refugees caused by the Second World War.

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Migration cannot be considered a recent or isolated phenomenon. It has always existed. People leave their native countries in search of a better life.

In this globalized world, we are witnessing unprecedented mobility. Exodus of migration, through differences and mechanisms triggered in the countries that have received it, outlines a unique, immeasurable phenomenon. Rapidness and force, cultural, religious and other type of differences lead to political, economic and social implications for migrant-friendly countries. All these, gradually accentuates the phenomenon of discrimination.

Migrants are a particularly vulnerable group and see their rights routinely violated, not only as workers, but as human beings. They commonly face discrimination and xenophobic hostility. Women and children account for more than half of the refugees and internally displaced persons, and their proportion is increasing. 96 per cent of children who work and sleep in the street are migrants about half of them girls aged between 8 and 14.

Some 33,000 children arrived in Bulgaria, Greece, Italy, and Spain in 2017, according to UNHCR – a decrease of almost 70% compared to 2016. The proportion of unaccompanied children, however, increased by 31 %.

As of 30 April, according to the National Centre for Social Solidarity (EKKA), some 3,150 unaccompanied children were estimated to be in Greece, with a total of 2,318 on waiting lists for shelter. Some 215 of them were in Reception Identification Centres; 173 in open accommodation centres; and 123 in protective custody, mainly at police stations.

The total number of available places for unaccompanied children in all of Greece remained unchanged (1,101 places). These figures demonstrate a persisting protection gap over the past months.

A total of three unaccompanied children submitted their asylum claims in Croatia during the reporting period; during the same period last year, 88 did so, according to a written contribution by the Ministry of Interior.¹ OIM makes a worrying statistic:

“In 2017, 18.8 million people were newly displaced due to natural disasters and climate change.

1,500,000 people every month.

375,000 every week.

50,000 every day.

2,000 every hour.

33 every minute.”²

¹ FRA - Periodic data collection on the migration situation in the EU May Highlights 1 March-30 April 2018.

² <https://www.iom.int>.

IOM's Global Migration Data Analysis Centre.

According to IOM migrants are increasingly considered the primary criminal element for all sorts of issues that today's societies face, including unemployment, drugs and terrorism. It is not possible to assess the effects of migration on beneficiary countries or on the European Union.

2. Discrimination

Fighting racism, xenophobia and discrimination including terrorism and extremism is a EU priority.

«The Union is founded on the values of respect for human dignity, for freedom, for democracy, equality, the rule of law as well as for respect for human rights, including human rights for people belonging to other minorities. These values are common to the Member States in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. »

Treaty on European Union (TEU), Article 2, OJ 2012 C 326

"The FRA Agency publishes an EU-wide survey on the experiences of discrimination and victimization of immigrants and ethnic minorities (EU-MIDIS): 23 500 persons from ethnic or immigrant minority groups, the largest survey ever conducted in the field OF gender-based violence against women in all EU Member States: 42 000 women, the largest survey ever conducted at EU level- regarding hate and discrimination crime against lesbian, gay, bisexual and transgender persons: 93 000 LGBT persons, an investigation aimed at highlighting the living conditions of the Roma and their discrimination: 85 000 people and an anti-Semitism survey: 6 000 Jews."

Legal and political developments at EU level signal a slow but clear change based on human rights. Juncker, the European Commission President said in a press release on 16 November 2017 that "there should be a milestone, that with the proclamation of the European Social Rights Pillar, we show our common commitment to protecting and supporting the rights of equality, equity and opportunity that all citizens have. It should also be the first step of many countries in this direction.

"The EU institutions and the Member States should promote a human rights-based approach to human rights and migrant discrimination, and reaffirm the importance of monitoring the integration of migrants in the life of society, in this way the EU seeks to provide global protection against discrimination in key areas of life regardless of gender, racial or ethnic origin, religion or belief, disability, sexual orientation, etc..."

"Seventeen years after the adoption of the Racial Equality Directive and nine years after the adoption of the framework decision on racism and xenophobia, immigrants and ethnic minority groups continue to face discrimination, harassment and discriminatory prophylaxis across the EU, of

the European Union on Minorities and Discrimination (EU-MIDIS II). The European Commission has supported the efforts of EU Member States to combat racism and hate crime through the EU High Level Group on combating Racism, Xenophobia and Other Forms of Intolerance.

It has also continued to closely monitor the implementation of the Racial Equality Directive and the Framework Decision. Although several EU Member States have revised their legislation against racism, in 2017 only 14 of them have implemented action plans and strategies to combat racism and ethnic discrimination." In this context, migrants face a phenomenon of exclusion, created by the evolution of society.

The most vulnerable violations of human rights, according to UN statistics, are for migrants. People whose color, physical appearance, accent, or religion are different from those of the majority in the host country are often subject to physical violence and other violations of their rights, irrespective of their legal status, being an intrinsic part of the migrant condition. In recent years, there has been a particular momentum, an alarming rise in intolerance and discrimination, racism and xenophobia in the form of direct violence against migrants in every region of the world.

The causes that have led to the escalation of discrimination can be aggravated by unfair distribution in society through marginalization and social exclusion. New communication technologies including the Internet are sometimes used to disseminate racist and xenophobic propaganda against migrants. They aim to marginalize migrants, with implications in all spheres, economic, political, cultural and religious.

The most obvious impact of migration is demographic, affecting the composition and size of the population both in the home country and in the host country. In the case of developed countries in the modern age, such changes have far-reaching implications - different from those in earlier epochs for the level and provision of social services, housing and education, as well as the functioning of the economy it self.

Migration can mark the demographic situation of the countries of destination and can influence future developments. Knowing the past and present demographics of these countries and outlining foreseeable outlooks from the impact of massive migration, the demographic landscape of European countries is accelerating change, the role of migration remaining major and even rising in population dynamics in developed countries. Putting national developments and combating the phenomenon of discrimination in such a context gives migration a more relevant comparative perspective, including a prospective dimension.

The political, economic, cultural, demographic, religious consequences of the future of the European Union can not be assessed, the older fissures are

strengthened in the context of migratory waves, favoring references to a sensitive issue of reviewing some of the Union's treaties.

Collective attempts by refugee and migrant regulatory states have so far been limited. The European Union has made some progress in this respect by the fact that the attempts of national governments to jointly control migration have entered into an acute conflict with preexisting international laws, conventions and obligations. This harmonization of legislation has therefore become a new challenge.

Until then "the EU adopts new programs and projects of € 467,000,000 and continues to commit to supporting vulnerable migrants and refugees as well as tackling the root causes of irregular migration. Thanks to the joint EU-ILO work, 150 migrants were assisted to return from Libya to Mogadishu, Somalia today. "

Wednesday, 30 May, 2018.³ In view of the increasing numbers of refugees, asylum seekers and migrants entering the EU, the EU Agency for Fundamental Rights has been collecting relevant data since November 2015.

This report focuses on the fundamental rights situation of people arriving in Member States particularly affected by large migration movements. This report addresses fundamental rights concerns between 1 March-30 April 2018.

FRA publishes: „In Greece, the International Organization for Migration and the Therapy Centre for Dependent Individuals announced the expansion of the project on addiction prevention, gender-based violence and prevention of harmful behaviour for migrants stranded in mainland Greece.

The project aims to implement a holistic approach to assisting migrants and refugees with challenges that are detrimental to their health and safety and affect their successful integration into local society.

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) published a report on Hungary, which found that authorities' ability to detect potential victims of human trafficking among asylum applicants in the Hungarian transit zones has worsened over the past three years, and that children between 14-18 years of age who are kept in these closed facilities are particularly vulnerable. GRETA observed that most staff working in the transit zones could not provide a clear explanation as to what procedures would be followed or which authorities were competent to take decisions on victim identification and referral.

The report claims that the expulsion of irregular migrants apprehended anywhere in Hungary to Serbia also raised concerns as to the effectiveness of detecting victims of human trafficking.

The Rehabilitation Centre for Stress and Trauma did not notice any positive developments in Croatia concerning identification and accommodation,

³ FRA-May 2018 Periodic data collection on the migration situation in the EU - May 2018 Highlights.

nor concerning the safeguards applied in the registration and asylum-seeking procedures of vulnerable persons. However, meeting essential needs (such as food and health care) has improved, mostly because fewer people are present in the reception centre. The reception centre entered into an official agreement with a psychiatric facility in Zagreb, which is to provide regular mental care support, according to Doctors of the World.

The shortage of qualified psychologists, the lack of accessible infrastructure for persons with disabilities in some reception centres, and the lack of specialised care facilities and support services for victims of torture or trauma remained issues in Bulgaria, the Ombudsperson indicated in an interview.

Two new facilities for especially vulnerable individuals in Baden-Württemberg marked a positive trend in Germany, while the lack of adequate housing remained a major obstacle, for example, in North Rhine-Westphalia. According to a study of the German Institute for Human Rights, the special needs of persons with disabilities are not systematically assessed or taken into account upon arrival in Germany.

Reception conditions for vulnerable people, such as victims of trafficking, remained insufficient in Spain, according to the Spanish Refugee Aid Commission.

A transgender asylum seeker was allegedly raped with a sharp object in a reception centre in the Netherlands. The police authorities started investigating the case. The NGO LGBT Asylum Support made the case public since it believes that the Central Agency for the Reception of Asylum Seekers (COA) did not act adequately and provided insufficient support to the victim. COA declined to comment.

In Finland, the number of clients registered in the assistance system for victims of human trafficking in 2017 increased, according to a report. At the end of the year, a total of 322 persons were registered – compared to 233 persons at the end of 2016.

An analysis of the respective legislation found that authorities, particularly municipal authorities that lacked knowledge of the relevant legislative provisions, did not reach all victims of trafficking, so it could be concluded that the number is most likely even higher.

A study in Italy revealed that 95 % of women arriving in Italy had suffered sexual violence during their journey, 17 % of them in more than one country (in these cases, Libya was always included). 72.8 % of them reported having been raped in Libya by strangers identified as soldiers, police officers, intermediaries, rebels, or armed groups. Thirty per cent of the women who were pregnant when they arrived at the centre were⁴

For countries wishing to regulate these migratory flows it was necessary to get engaged in forms of international cooperation with the aim of either

⁴ Fra-May 2018 Periodic data collection on the migration situation in the EU - May 2018 Highlights.

stopping them from source, either by economic development aid or by international control efforts.

The EU has started to develop a common policy on asylum and support for migrants, but the norms have not estimated such a large number of people in a short time. The pattern of development that controls the factors that generated the migration process was mainly at the level of speech or in organizations with relatively little decisional power, such as the European Parliament.

Currently, the EU institutions seeking partnerships with countries from which refugees and migrants aiming to allocate billion to 2021. All of them aim to help their native country and stop the phenomenon.

The principle of equal opportunities has changed over time the balance of collective power between the state and migrants. The advanced capitalist powers were enhanced by setting up agencies for immigration, establishment of documentation relating to citizenship, State involvement in employment and thus achieve social integration of the newcomers.

But while the increased ability of migrants to evade state control, reiterating the view that in advanced capitalist countries and their capacity to implement policies not always depend even rarely absolute autonomy. They can successfully implement the objectives of their public policies only when they have achieved social partner cooperation to an acceptable level. In the case of illegal migration, they have often failed to do so.

In a certain way migrant often face the intolerance of the majority. The acceptance of population differences in culture, religion, and even social behavior can not be achieved, than by assimilating their time by the majority. But for this the majority of citizens and Members must be tolerant and need involvement in legislation. Although most of the states try integration and treatment of undifferentiated, migrants can not be considered a homogeneous mass, especially when assessed their economic impact. Conversely, there will be different consequences for different groups in the host economy.

Conclusion

Migration policies can not be isolated from other policies affecting the labor market. Some states have intervened in the labor market, resulting in an increase in attraction to foreign and non-documentary employment, evading contributions and representing cheap labor, developing the underground economy and the black market.

Looking from the point of view of the majority citizens, migrants are the source of crime, they are the disappointments that have arrived in a civilized country do not share its values. Here is the process of intolerance and non-acceptance. Changing the mentalities of both camps is a priority in education, learn and build gradually.

However, migration will continue to be indispensable to developed economies, but changes are expected in terms of phenomenon and origin of flows.

„After the European Commission registered the European Citizens' Initiative titled 'We are a welcoming Europe, let us help!', in February, the organisers of the initiative launched a campaign in April in Italy and France; the aim is to boost the collection of 1 million signatures across Europe by February 2019. One of the initiative objectives is to change EU law so that no one can be prosecuted or fined for offering humanitarian help or shelter for migrants in an irregular situation on the move.

The petitioners want the Commission to initiate legislative changes banning Member States from punishing volunteers who engage with migrants and asylum seekers out of solidarity.”⁵

The challenge of the contemporary world remains the assimilation of migrants and the equal integration in all political, social, cultural, economic spheres in the welcoming states. This is, however, a lengthy process and the architecture of state institutions is constantly changing.

For Europe it is necessary to obtain a consensus on international migration, which is an important source of stimulating globalization.

Terminology

FRA - European Union Agency for Fundamental Rights

EU- European Union

IOM- International Organization for Migration

UNHCR- United Nations High Commissioner for Refugees

UNO- United Nations Organisation

Bibliography:

1. FRA- June 2018-Fundamental Rights Report 2018 – ISSN 2467- ISBN 2823
2. DOI 978-92-9491-974-8 10.2811/414028 TK-AM-18-001-EN-N
3. FRA - Periodic data collection on the migration situation in the EU May Highlights 1 March–30 April 2018
4. The European Union Agency for Fundamental Rights (FRA) – report - December - Highlights 1–30 November 2017 ISBN 978-92-9474-080-9
5. IOM's Global Migration Data Analysis Centre
6. Coleman, David, 2010, Who's afraid of low support ratio? A UK response to the UN Population Division Report - Paper prepared for the United Nations 'Expert Group' meeting held in New York, October 2000, to discuss the report on 'Replacement Migration' presented by the United Nations Population Division
7. <http://euractiv.com>

⁵ FRA - Periodic data collection on the migration situation in the EU May Highlights 1 March–30 April 2018.